

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

NOSAKHARE ONUMONU,

Petitioner,

v.

Case No. 2:03-cv-236
HON. GORDON J. QUIST

BARBARA BOUCHARD,

Respondent.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from the petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made.

Petitioner has asserted that the trial court made errors in sentencing after his plea to prison escape and armed robbery charges. The asserted errors are matters of state law that are not cognizable in a habeas proceeding. There has been no showing of a fundamental miscarriage of justice. *Bagby v. Sowders*, 894 F.2d 792 (6th Cir. 1990).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

Dated: February 23, 2006

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE